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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

KEVIN ALMY,	)	
	)	
Plaintiff,	)	2:12-cv-00129-JCM-VCF
	)	
vs.	)	
	)	<b>ORDER</b>
D. DAVIS, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	/	

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Presently before the court is *pro se* plaintiff Kevin Almy's motion to reconsider this court's order granting defendants' motion to dismiss. (Doc. # 207).

There are many deficiencies in plaintiff's motion to reconsider. The court need not address all of them to dispose of the motion.

First, plaintiff does not address the standard of review for a motion for reconsideration. A motion for reconsideration "should not be granted, absent highly unusual circumstances." *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). Reconsideration "is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *School Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993).

1 Plaintiff is apparently hoping the court will come out a different way if it considers the issues  
2 again. This is not the purpose of a motion for reconsideration. *See Teller v. Dogge*, no. 2:12-cv-591-  
3 JCM-GWF, 2013 WL 508326, at \*6 n. 6 (D. Nev. 2013) (“Motions for reconsideration are not  
4 appropriate when a party wants the court to think about the issue again in the hope that the court will  
5 come out the other way the second time.”). In the motion for reconsideration, plaintiff simply reiterates  
6 the arguments he made in response to the underlying motion and states that the court committed clear  
7 error.

8 However, after reviewing plaintiff’s motion and the attached exhibits, it is apparent that plaintiff  
9 did not exhaust his administrative remedies before filing this action in federal court. Additionally,  
10 plaintiff presents no argument indicating that Magistrate Judge Ferenbach committed clear error in  
11 denying plaintiff’s motions to compel. Thus, the court declines to alter its decision regarding defendants’  
12 motion to dismiss.

13 Accordingly,

14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff’s motion for  
15 reconsideration (doc. # 207) be, and the same hereby is, DENIED.

16 Dated May 14, 2014.

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19 UNITED STATES DISTRICT JUDGE  
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